REMARKS

Claims 1-22 are all the claims pending in the application. Applicant has cancelled claims 8-21 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by claims 8-21, prior to this Amendment is not patentable over the art cited by the Examiner. Claims 8-21 were cancelled in this Amendment solely to separate method and non-method claims to facilitate expeditious prosecution of the subject matter of this Application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 8-21, as presented prior to this Amendment and additional claims in one or more continuing applications.

In addition to the cancellation of claims 8-21 as discussed above, Applicant has also amended the title of invention and abstract of disclosure to more accurately reflect the scope of the claims currently pending in this Application.

This response, submitted in reply to the Office Action dated February 21, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Preliminary Matter

Applicant notes that the Pastilha reference, which was cited in the body of the Office Action, was not listed on the PTO Form-892. Therefore, Applicant requests that the Pastilha reference be listed on a PTO Form-892.

Claim Rejections-35 U.S.C. §103

Claims 1, 5-8, 12-15, and 19-21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen et al. (US 6,170,083; henceforth "Chen") in view of Abl-Tabatabai (US 6,170,083). Applicant respectfully traverses this rejection.

As discussed above, claims 8-21 have been canceled from the current application.

Claim 1 recites in, relevant part:

> "…each of the plurality of code coverage tasks comprising a basic block of code in which the basic block of code is a set of consecutive statements with a single entry point and a single exit point…"

In rejecting claim 1, the Examiner acknowledges that Chen does not teach this feature, but asserts that Abl-Tabatabai cures this deficiency. Applicant respectfully submits that the Examiner has misconstrued the applied references.

Abl-Tabatabai is directed to a method for performing dynamic optimization of computer code. Part of the process used to optimize computer code is to divide a region of code into "basic blocks of code" and use instrumentation code after each block to determine how many times each "basic block of code" is run in order to determine the execution paths to be followed. *See* Col. 5, lines 36-Col. 6, line 18. However, Abl-Tabatabai shows "basic blocks of code" having multiple entry and exit points. Specifically, Fig. 6a shows "basic block of code" D having two entry points, one coming from block C and one coming from block B. Further, "basic block of code" D is also shown to have two exit points, one going to block E and one going to block F. Fig. 6a also shows "basic block of code" F has having multiple entry points.
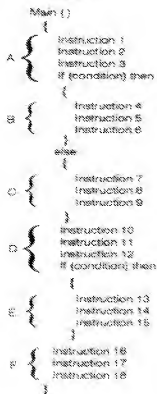
Conversely, claim 1 recites "the basic block of code is a set of consecutive statements with **a single entry point** and **a single exit point**". See for example, Examples 1, 2, 3 and 4 as disclosed on pages 14, 17-19 of the Applicant's specification. Abl-Tabatabai does not teach or even suggest a basic block of code in which the basic block of code is a set of consecutive statements with a single entry point and a single exit point as claimed.

In addition, Abl-Tabatabai is directed to a method and apparatus for dynamically optimizing compiled computer programs. Abl-Tabatabai discloses first compiling source code into an object code. When compiling, the method introduces instrumentation code into the object code that performs path profiling. The path profiling instrumentation code counts the number of times each execution path is executed to determine a "hot" execution path. The hot

execution path is then dynamically optimized. See Summary of the Invention. However, Adl-Tabatabai is not directed to selecting which test units are to be re-run for software regression testing as disclosed in Chen.

Therefore, it would not be obvious to combine the teaching of Adl-Tabatabai, which is concerned with optimized computer code compilation, with Chen, which is directed to selective regression testing for identifying which subsets of a test suite must be run in order to test a new version of a software system.

In view of the forgoing, Applicant respectfully submits that claim 1 is patentable over the combination of Chen and Abl-Tabatabai. Applicant also submits that all claims dependant from claim 1 are patentable at least by virtue of their dependency and respectfully requests that this rejection be withdrawn.

Claims 2-3, 9-10, and 16-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Abl-Tabatabai further in view of "Managing data through naming standards" by Winder, Software, IEEE, Volume: 7, Issue : 4, July 1990 (Winder). Further, claims 4, 11, and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Abl-Tabatabai in view of Reinhardt (US 5,778,169). Further, claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Abl-Tabatabai in view of Pastilha et al. (US 5,673,387; henceforth "Pastilha").

As discussed above, claims 9-10, 11 and 16-18 have been canceled from the current application.

Claims 2-4 and 22 depend from claim 1 which has been shown above to be patentable over the combination of Chen and Abl-Tabatabai. None of the additional references cure the deficiencies of Chen and Abl-Tabatabai. Therefore, Applicant respectfully submits that all of

these claims are patentable at least by virtue of their dependency and respectfully requests that

the rejection of these claims be withdrawn as well.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

/Ruthleen E. Uy/

SUGHRUE MION, PLLC   Ruthleen E. Uy
Telephone: (202) 293-7060   Registration No. 51,361
Facsimile: (202) 293-7860
WASHINGTON DC SUGHRUE/142133
   46159
   CUSTOMER NUMBER

Date: May 21, 2008